



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

TM:EMN  
F.#2007R00730

271 Cadman Plaza East  
Brooklyn, New York 11201

January 17, 2012

By ECF

The Honorable Jack B. Weinstein  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Vincent DeCongilio  
Criminal Docket No. 08-76 (S-12) (JBW)

Dear Judge Weinstein:

The government respectfully writes in response to the Court's order, dated January 9, 2012, requesting the government's position with respect to the defendant Vincent DeCongilio's request that the Court terminate the final year of his supervised release. For the reason set forth below, the government takes no position.

On August 14, 2008, the defendant pleaded guilty to a one-count information charging extortionate collection of credit conspiracy, in violation of 18 U.S.C. § 894(a)(1). The plea agreement to which the defendant pleaded guilty included an estimated U.S. Sentencing Guidelines range of 12 to 18 months' imprisonment and further provided, among other things, that "[t]he defendant agrees to the above Guidelines calculation, except that the defendant may argue that any sentence not include a term of supervised release, as to which the government will concur." The Court subsequently sentenced the defendant to one year and one day of incarceration and, notwithstanding the foregoing provision, three years of supervised release. The defendant did not appeal his sentence.

The defendant was released from the custody of the U.S. Bureau of Prisons on or about January 22, 2010. Accordingly, he has approximately one year of supervised release remaining. In light of the provision in the plea agreement cited above, the

government is constrained to take no position with regard to the defendant's request that his supervised release be terminated early.

Respectfully submitted,

LORETTA E. LYNCH  
United States Attorney

By: /s/  
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cc: James Merberg, Esq. (by ECF)  
Clerk of Court (JBW) (by ECF)